

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Krissell
Application No.: 10/616,361
Filed: July 9, 2003

Confirmation No. 1364
Group Art Unit: 2191
Examiner: Kadir

For: *Methods, Systems and Computer Program Products for Controlling Data Transfer for Data Replication or Backup Based on System and/or Network Resource Information*

Date : December 5, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO
OFFICE ACTION DATED SEPTEMBER 13, 2006**

Sir:

Responsive to the Office Action dated September 13, 2006, please amend the above-identified application as shown.

If any extension of time for the accompanying response or submission is required, Applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to Deposit Account No. 09-0461.

Amendments to the claims begin on page 2.

Remarks begin on page 6.